



File No. A43943 / 090495.0243

RESPONSE - NOTICE  
OF MISSING PARTS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Jonathan M. Graff et al.  
Serial No. : 10/002,631  
Filed : October 31, 2001  
For : METHODS TO IDENTIFY SIGNAL SEQUENCES

RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION UNDER 37 C.F.R. 1.53(b)

April 9, 2002

**BY EXPRESS MAIL NO. EU206443033US**

**BOX PATENT APPLICATION**

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, DC 20231

Sir:

Applicants believe that a Notice of Missing Parts may have issued in the above-referenced patent application but are not in receipt of the Notice to File Missing Parts. Because Applicants file herewith a Petition to Make Special, requesting expedited exam, Applicants wish to ensure that the Application is complete. Therefore, since it is likely that a Notice to File Missing Parts has issued, Applicants are filing a Response to the Notice to File Missing Parts of Application Under 37 C.F.R. 1.53(b), enclosed herewith is a Declaration referring to the above-identified application by one or more of the following in compliance with 37 C.F.R. 1.63, together with the required fee:

- ☒ Name of inventor and application serial number;
- ☒ Name of inventor, attorney docket number which was on the application as filed, and filing date of the application;
- ☒ Name of inventor, title of invention and filing date
- ☐ Name of inventor, title of invention and reference to a specification which is attached to the oath or declaration at the time of execution and filed with the oath or declaration;

- ☐ Name of inventor, title of invention. As presently advised, the undersigned, a registered attorney, states that the application filed in the PTO is the application which the inventor executed by signing the oath or declaration.

Also enclosed are:

1. ☒ A check in the amount of \$ 65.00  
☐ \$130 - Other than Small Entity  
☒ \$ 65 - Small Entity  
representing payment of the surcharge  
due for late filing of the Declaration  
pursuant to 37 C.F.R. 1.16(e);
  2. ☐ A 1 month extension of time up to and through \_\_\_\_\_  
to file the Response  
to Missing Parts is respectfully requested.  
The required fee, calculated pursuant to  
1.136(a), is enclosed in the amount of \$ .00
  3. ☐ Other \_\_\_\_\_  
\$ \_
- TOTAL FEE \$ 65.00

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication to Deposit Account No. 02-4377. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Rochelle K. Seide  
Patent Office Reg. No. 32,300

Alicia A. Russo  
Patent Office Reg. No. 46,192

Attorneys for Applicant  
(212) 408-2500

encl.



In Re:	Jonathan M. Graff et al.	10/002,631
	(Applicant)	(Serial No.)
In Re:	Response to Notice to File	April 9, 2002
	Missing Parts	A34943
		090495.0243
	(Title of Paper)	(Date)
		(File No.)

The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

**Express Mail Label No: EU206443033US**

Enclosed: (1) Response to Notice to File Missing Parts; (2) Declaration and Power of Attorney; and (3) Check for \$65.00

**Box PATENT APPLICATION**

**BAKER BOTTS L.L.P.**ATTORNEYS AT LAW  
30 Rockefeller Plaza  
44th and 45th floors  
New York, New York 10112-0228INQUIRIES: (212) 705-5000  
TAXPAYER I.D. #74-1195457

Invoice No.			Date		Voucher		Gross Amount		Discount		Net Amount					
I0070558			04/09/2002		AARusso A34943 45flr 908111		65.00		0.00		65.00					
Check No.			167826		Check Date		04/09/2002		Vendor No.		11135					
Vendor Name								COMMISSIONER OF PATENTS AND					Total Amount		65.00	

Chase Bank, N.A.  
New York, New York**BAKER BOTTS L.L.P.**  
ATTORNEYS AT LAW  
New York Operating AccountCHECK # 167826  
DATE 04/09/20021-2  
210

\$ \*\*\*\*\*65.00

PAY SIXTY-FIVE AND 00/100 Dollars

NOT NEGOTIABLE SIX MONTHS  
FROM THE DATE OF ISSUE

TWO SIGNATURES REQUIRED OVER \$2500.00

TO  
THE  
ORDER  
OF  
COMMISSIONER OF PATENTS AND  
TRADEMARKS



11-01-02

Attorney Docket No. A34943 090495.0243

PATENT

14/15  
Bo-Seq  
\$

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Jonathan M. Graff et al.  
Serial No. : 10/002,631  
Filed : October 31, 2001  
For : METHODS TO IDENTIFY SIGNAL SEQUENCES

BEST AVAILABLE COPY

**SUPPLEMENTAL RESPONSE TO  
NOTICE TO FILE MISSING PARTS OF APPLICATION**

October 31, 2002

**EXPRESS MAIL NO.: ET 346768472 US**

Assistant Commissioner for Patents  
**BOX MISSING PARTS**  
Washington, DC 20231

Sir:

Applicants submit herewith a Substitute Sequence Listing in response to the Notice to File Missing Parts of Nonprovisional Application dated April 1, 2002 ("Notice") in connection with the above-identified patent application. A copy of the Notice is enclosed.

The original Notice presumably was mailed to the offices of the previous attorney of record, though their offices had no record of receiving the Notice. As a result, the present attorneys of record, Baker Botts LLP, did not receive the Notice. Nevertheless, believing that a Notice may have issued, Applicants filed a Response to the Notice on April 9, 2002 (copy enclosed), which included a Declaration and Power of Attorney, and also authorized the Commissioner to charge payment of any additional fees in connection with this application. Accordingly, Applicants ask that the Patent Office deliver all correspondence in connection with this application to Baker Botts LLP, which was designated in the Power of Attorney as the attorneys of record.

**DISK TO STIC**

DATE:



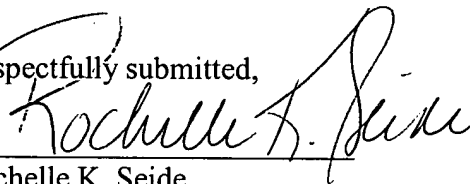
Applicants made a telephone call on August 28, 2002 to the Office of Initial Patent Examination ("OIPE") requesting status on the Petition to Make Special filed on April 9, 2002. Applicants were informed by Mr. James Johnson at OIPE that a Substitute Sequence Listing was required as set forth in the Notice. A copy of the Notice was faxed to Applicants, which referred to an attached marked-up Raw Sequence Listing indicating the nature of noncompliance of the originally submitted sequence listing. In a telephone conversation with Mr. Johnson on September 4, 2002, he indicated that a copy of the marked-up Raw Sequence Listing would be provided to Applicants.

Despite follow-up telephone calls to Mr. Johnson and other Patent Office personnel on September 9, 10, 11, 12, 14, 16, 20, 24 and 26, Applicants were unable to obtain a copy of the marked-up Raw Sequence Listing. Finally, after enlisting the services of a third party agent, the Patent Office recently permitted the agent to photocopy the Notice and marked-up Raw Sequence Listing. The Substitute Sequence Listing submitted herewith was prepared in accordance with the corrections indicated on the marked-up Raw Sequence Listing.

Applicants do not believe that any additional fee is required in connection with this Supplemental Response to the Notice. Should any additional fee be required, the Commissioner is hereby authorized to charge any such fee to Deposit Account 02-4377. Duplicate copies of this sheet are enclosed.

Applicants submit that this response is timely, and respectfully request a prompt decision on the Petition to Make Special filed with the Patent Office on April 9, 2002.

Respectfully submitted,



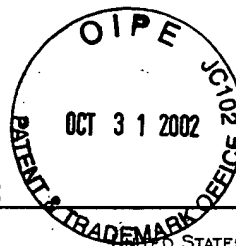
Rochelle K. Seide  
Patent Office Reg. No. 32,300

BAKER BOTTS, L.L.P.  
30 Rockefeller Plaza  
45th Floor  
New York, NY 10112  
(212) 408-2626  
*Attorney for Applicants*

Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/002,631	10/31/2001	Jonathan M. Graff	UTSD:772US 10107495

CONFIRMATION NO. 1939

## FORMALITIES LETTER



\*OC000000007755958\*

FULBRIGHT & JAWORSKI L.L.P.  
A REGISTERED LIMITED LIABILITY PARTNERSHIP  
SUITE 2400  
600 CONGRESS AVENUE  
AUSTIN, TX 78701

Date Mailed: 04/01/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$879.
  - \$837 for 93 total claims over 20.
  - \$42 for 1 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1314.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program H Ip, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3h\\_ip@uspto.gov](mailto:patin3h_ip@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY